

**PUBLIC HEALTH DEPARTMENT[641]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of 2013 Iowa Acts, Senate File 427, section 35, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” Iowa Administrative Code.

These amendments are necessary to implement 2013 Iowa Acts, Senate File 427, which became effective upon enactment on April 26, 2013, by operation of section 36 of the Senate File. The proposed amendments identify the licensee fees associated with apprentice, journey, master, medical gas piping certificate, inactive license, contractor, and specialty licenses. The fees are applicable to initial licenses, reciprocal licenses, and renewal licenses. In addition, all licenses are issued for a period of three years, and until June 29, 2017, those renewed for less than three years will be prorated using a one-sixth deduction for each six-month period. Late fees and requirements for lapsed licenses are also included. A fee for converting an HVAC-refrigeration or hydronics license to a mechanical license is also included.

Any interested person may make written suggestions or comments on these amendments on or before November 5, 2013. Written materials should be directed to Cynthia Houlson, Plumbing and Mechanical Systems Board, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)281-6114; e-mail [cindy.houlson@idph.iowa.gov](mailto:cindy.houlson@idph.iowa.gov).

There will be a public hearing on November 5, 2013, from 11:30 a.m. to 12:30 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

Grimes State Office Building  
First Floor North  
400 E. 12th Street  
Des Moines

Cresco-Crestwood High School  
1000 Schroder Drive  
Cresco

Spirit Lake High School  
2701 Hill Avenue  
Spirit Lake

Iowa Falls Community College  
1100 College Avenue  
Iowa Falls

Clarinda Community College  
923 E. Washington Street  
Clarinda

Ottumwa Hospital  
1001 E. Pennsylvania  
Ottumwa

Waterloo Department of Human Services  
501 Sycamore Street  
Waterloo

Council Bluffs Department of Human Services  
417 E. Kanesville Boulevard  
Council Bluffs

Sheldon Community College  
603 W. Park Street  
Sheldon

Notre Dame High School  
702 S. Roosevelt Avenue  
Burlington

Mason City Community College  
500 College Drive  
Mason City

Xavier High School  
6300 42nd Street NE  
Cedar Rapids

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Plumbing and Mechanical Systems Board at the above address and advise staff of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 105.9 as amended by 2013 Iowa Acts, Senate File 427.

The following amendments are proposed.

ITEM 1. Amend subrule 28.1(1) as follows:

**28.1(1)** ~~License fee for~~ Fees for three-year initial licenses are as follows:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$50~~ \$180.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$125~~ \$240.
- d. A medical gas pipe certificate as defined in 641—29.3(105) is ~~\$50~~ \$75.
- e. An inactive license as defined in 641—subrules 29.2(5) and 29.2(6) is \$50.
- f. A contractor license as defined in 641—subrule 29.2(4) is ~~\$150~~ \$250.
- g. A special restricted license as defined in 641—subrules 29.2(8), 29.2(9), 29.2(10), and 29.2(11) is \$50.
- h. Fees for all initial licenses issued for a period of less than three years shall be prorated using a one-sixth deduction for each six-month period.

ITEM 2. Amend subrule 28.1(2) as follows:

**28.1(2)** ~~Reciprocal license fee for~~ Fees for three-year reciprocal licenses are as follows:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$50~~ \$180.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$125~~ \$240.
- d. Fees for all reciprocal licenses issued for a period of less than three years shall be prorated using a one-sixth deduction for each six-month period.

ITEM 3. Amend subrule 28.1(3) as follows:

**28.1(3)** ~~Renewal license fee for~~ Fees for renewal of licenses are as follows:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$50~~ \$180.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$125~~ \$240.

- d. A medical gas pipe certificate as defined in 641—29.3(105) is ~~\$50~~ \$75.
- e. An inactive license as defined in 641—subrules 29.2(5) and 29.2(6) is \$50.
- f. A contractor license as defined in 641—subrule 29.2(4) is ~~\$150~~ \$250.
- g. A special restricted license as defined in 641—subrules 29.2(8), 29.2(9), 29.2(10), and 29.2(11) is \$50.

h. ~~The renewal fee shall be waived for all licenses renewed from January 1, 2011, through December 31, 2012. However, if applicable, late fees as set forth in subrule 28.1(5) and paper application fees as set forth in subrule 28.1(10) will be applied. Through June 29, 2017, fees for all licenses renewed for a period of less than three years shall be prorated using a one-sixth deduction for each six-month period.~~

ITEM 4. Amend subrule 28.1(5) as follows:

**28.1(5)** A late fee for failure to renew before expiration is determined as follows:

a. A Prior to July 1, 2017, a licensee who allows a license to lapse for 30 days or less may reinstate and renew the license with payment of the appropriate renewal fee and without payment of a late fee. Beginning July 1, 2017, a licensee who does not timely renew but renews a license on or before the following July 31 may reinstate and renew the license upon payment of the appropriate renewal fee and without payment of a late fee.

b. A Prior to July 1, 2017, a licensee who allows a license to lapse for more than 30 days but less than 60 days may reinstate and renew the license without examination upon payment of a \$60 late fee and the appropriate renewal of license fee. Beginning July 1, 2017, a licensee who does not timely renew but renews a license between the following August 1 and August 31 may reinstate and renew the license without examination upon payment of a \$60 late fee and the appropriate renewal of license fee.

c. A Prior to July 1, 2017, a licensee who allows a license to lapse for more than 60 days but not more than 365 days may reinstate and renew the license without examination upon payment of a \$100 late fee and the appropriate renewal of license fee. Beginning July 1, 2017, a licensee who does not timely renew but renews a license after the following August 31 and on or before the following June 30 may reinstate and renew the license without examination upon payment of a \$100 late fee and the appropriate renewal of license fee. A licensee whose license has lapsed for more than 60 days may not work as a plumbing or mechanical professional or contractor in Iowa until the license is renewed. A licensee who works as a plumbing or mechanical professional under a license that has lapsed more than 60 days, including under a special restricted license; works as a geothermal heat pump installer with a lapsed license; or operates as a contractor in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code chapter 105, criminal sanctions pursuant to Iowa Code chapter 105, and other available legal remedies.

ITEM 5. Amend subrule 28.1(11) as follows:

**28.1(11)** Combined license.

a. For purposes of this subrule, “combined license” shall mean more than one active master, contractor, or journeyperson license under subrules 28.1(1) through 28.1(3) in one or multiple disciplines held by the same individual.

b. A license fee for a combined license shall be the sum total of each of the separate license fees as set forth in subrules 28.1(1) through 28.1(3) reduced by 30 percent.

c. In order to be eligible for the combined license fee reduction, all individual licenses must be purchased in a single transaction.

ITEM 6. Adopt the following **new** subrule 28.1(12):

**28.1(12)** The fee for converting an HVAC-refrigeration or hydronics license to a mechanical license is \$50. This fee shall not apply at the time of reissue.

ITEM 7. Amend **641—Chapter 28**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 105 section 105.9 as amended by 2011 2013 Iowa Acts, House File 392 Senate File 427, and chapter 272C.